



Entered on Docket
September 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING NINETEENTH
OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO PROOFS OF
CLAIM FOR LACK OF
DOCUMENTATION**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

The Court having considered the "Nineteenth Omnibus Objection of the USACM Liquidating Trust to Proofs of Claim for Lack of Documentation" [Docket No. 7253] (the

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 “Objection”); with appropriate notice of the Objection having been given; with no
2 response to the Objection having been filed; and good cause appearing:

3 **IT IS HEREBY ORDERED** that:

- 4 1. The Objection is sustained;
- 5 2. The claims listed in **Exhibit A** are disallowed in their entirety;
- 6 3. Nothing in this order should prejudice the rights of USACM Trust to
7 file further objections to any portion of the claims listed on **Exhibit**
8 **A**.

9
10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (AZ 018024)

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17 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ 018024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

EXHIBIT A
NINETEENTH OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST
TO PROOFS OF CLAIM FOR LACK
OF DOCUMENTATION

Claim	Name	Address	Claim Amount
10728-00063	Gilbert, Lauren J	C/O Michele Gilbert Custodian 3331 S Park St. Las Vegas, NV 89117-6722	25,000.00
10728-00095	Smith, Victoria L	2016 Wildwood Dr. Modesto, CA 95350-3057	38,000.00
10728-00061	Iona Pete Bakas Halliday	Po Box 39147 Ft Lauderdale, FL 33339-9147	50,000.00
10728-00062	Gilbert, Lauren J & Erin M	C/O Michele Gilbert Custodian 3331 S Park St. Las Vegas, NV 89117-6722	50,000.00
10728-00058	Melinda & Richard David Estevez #1	8916 Balboa Blvd Northridge, CA 91325-2609	51,095.00
10728-00132	Craig Zager Sep Ira	Po Box 10051 Zephyr Cove, NV 89448-2051	65,000.00
10728-00059	Melinda & Richard David Estevez Acct #3	8916 Balboa Blvd Northridge, CA 91325-2609	68,000.00
10728-00076	Younge Ira, Richard L	6131 SW Luradel St. Portland, OR 97219-5737	150,000.00